THE

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BANGALORE, THURSDAY, JULY 22, 1897.

PART II.

NOTIFICATIONS BY GOVT. OF INDIA, RESIDENT, CHIEF COURT, &c.

INAM DEPARTMENT.

Notification No. 1, *dated 6th July* 1897.

Inamdars are hereby informed that (491) Final Title Deeds, for minor inams situated in the Chikmagalur taluk, have this day been forwarded to the Deputy Commissioner of the Kadur district for distribution.

2. They are accordingly to appear to receive the same on receipt of the individual notices from the Amildar of the aforesaid taluk, who is hereby instructed to issue such notices without delay.

3. The *ad-interim* extracts already issued for the above inams are hereby declared to be cancelled.

J. P. GRANT, *Supt. of Inam Settlements.*

JUDICIAL DEPARTMENT.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Civil Side.

Corrigendum, dated 25th June 1897, to Rule of Practice No. 55, dated 3rd December 1884.
In para 1, line 2, of the Rule, *for* "3 days" *read* "5 days."

Criminal Side.

Corrigendum, dated 29th June 1897, to Rule of Practice No. 58, dated 1st September 1892.
In Note 1 to para 16 of the Rule, *for* "more than a month" *read* "more than a fortnight."

The 1st day of July 1897.

The following Rules for regulating the practice of the Chief Court, on the subjects * noted in the margin, are issued in supersession of all the previous rules on the same subjects :—

Appeals from decrees and orders.
Disposal of work.
Hearing.
Hours of business.
Process serving fees and Printing charges.
Return of documents.
Translations.
Vakalatnamas.

APPEALS FROM DECREES AND ORDERS.

All Appeals* and Petitions must be presented to the Deputy Registrar, through the clerk deputed for receiving them.

2. No Appeal Memo or Petition will be received which is not drawn up and signed by an Advocate, or by the Appellant or Petitioner, or by his recognized agent, as defined in Section 37 of the Code of Civil Procedure.

3. Every Memorandum of Appeal, Petition, Affidavit, Application, Memorandum or list of documents, copy of a document or other paper presented to or filed in the Chief Court, except documentary evidence, shall be fairly and legibly written or printed or partly fairly and legibly written and partly printed, on a special white paper to be had at all Government Treasuries at 3 pies per sheet, with an inner margin about ¾ of an inch wide and an outer margin about 2 inches and half wide, and made up book ways (as nearly as may be in the form in which the records are now printed for the Chief Court); the writing or printing to be on both sides of the paper and numbers being expressed in figures.

4. All Memoranda of Regular Appeals shall be in the Form No. 173, Schedule IV, Civil Procedure Code.

5. All Memoranda of Second Appeals shall be in the following form :—

MEMORANDUM OF SECOND APPEAL.

In the Chief Court of Mysore S. A. No.... of 189..
„ District Court of ..... Appeal No.... of 189..
„ Munsiff's or Sub-Judge's Court of ..... O. S. No.... of 189..

In the Court of 1st Instance.	In the Lower Appellate Court.	In the Chief Court.
A. B..... Plaintiff	.. Appellant ..	.. Appellant.
versus		
C. D ..... Defendant.	.. Respondent .	.. Respondent.

A. B. begs to prefer this second appeal to the Chief Court of Mysore from the decree passed by the District Judge of..... in Appeal No.... of..... confirming or reversing or modifying (as the case may be) the decree of the Munsiff or Sub-Judge of..... in O. S. No..... of.... for the following reasons :—

(Here enter the grounds of appeal)

Dated this

(*Signature of Appellant or his Advocate.*)

6. No Memorandum of Appeal, or Petition, or Application, shall be received by the Deputy Registrar, unless it is presented by the party in person or by an Advocate, or by a duly registered gumasta of an Advocate.

7. All Memoranda of Appeals and Petitions insufficiently stamped shall be returned by the Registrar, fixing a time for making good the deficiency. If the additional stamp is not paid within the time fixed or within such further time as the Registrar may allow, or if there is any difference of opinion between the Registrar and the Advocate, or the party who presents such Appeal or Petition, regarding the amount of Court fee leviable thereon, the matter shall be placed before the Admission Judge for orders.

8. Every Petition of Appeal from a decree must contain a memorandum showing the valuation of the Appeal under the Court Fees Act. Any Memo of Appeal which does not give the particulars of valuation shall be returned by the Registrar, for the same being stated within a time to be fixed by him.

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* On the presentation of an Appeal or Application of a civil nature, it will be the duty of the clerk receiving the same, to examine the stamps carefully and note on the Petition or Application the name of the person presenting the same, and the date of presentation, and enter the same in the General Register, giving it a serial number. The Register will be closed at 4 P. M. and taken daily to the Deputy Registrar, who will date and initial the same. The civil clerk deputed for the work shall attach to the Appeal or Petition presented a certificate as to whether or not it is presented in the form and within the time prescribed by law, and is accompanied by proper enclosures and a memorandum of valuation, giving clear particulars for calculating the stamp duty payable thereon, and is stamped as required by law. If found correct, the Appeal or Application will be entered in the appropriate Register and brought up for admission. If defective in any of the above particulars, it will be noted and returned to the Advocate or party for necessary amendment under the signature of the Registrar, a time being fixed, if necessary, for amendment and re-submission.

2. The Advocate or party may amend and re-present the Appeal or Application within the time fixed as above, or within such further time as the Registrar may allow, not exceeding one month on the whole.

3. After an Appeal or Application has been admitted, the Registrar will fix a date for its hearing and issue notice in the form prescribed (No. 175, Schedule IV. C. P. Code.)

4. In fixing the date with reference to the current business in the Court, no Second Appeal should be posted for hearing in less than six weeks from the date of admission, and no Regular Appeal in less than two months, except when otherwise specially ordered by the Court. All Applications for Revision or of a miscellaneous nature and all References will be posted to the earliest convenient date.

9. All Appeals presented after the time prescribed by law shall be accompanied by an explanation of the delay, supported by an affidavit. The statement of the cause of delay should be made in the Appeal petition.

10. Appeals not accompanied by copies of the Judgment and Decree of the Lower Court and Vakalatnama (when presented by an Advocate) shall be returned.

11. A Register of appeals, &c., returned for amendment, or in accordance with the foregoing Rules, will be kept in the following form :—

Serial No.	Whether Appeal or Petition.	Name of Appellant or Petitioner.	By whom presented and date of presentation.	Substance of order and date.	Signature of the Party or Advocate or Advocate's Gumasta receiving back the Appeal, &c.	Initials of the Dy. Registrar.

12. When an Appeal is from the Decree or Order of an Appellate Court, the Court may direct the Appellant to produce copies of the Judgment and Decree or Order of the Court of First Instance, and specify the time within which the same should be produced.

13. In every Appeal and Petition, the provision of the law under which it is presented should invariably be specified, and Appeals and Petitions which do not conform to this rule will be returned by the Registrar, a time being fixed for amendment and resubmission.

14. When an Appeal against an Order or against an Appellate Order is presented to the Court, a copy of the Petition on which the Order appealed against was passed shall also be produced, unless the copy of the Order or Appeallate Order itself furnishes sufficient information as to the nature of the case.

15. Where the Court of First Instance or the Lower Appellate Court has reviewed its Judgment, parties should produce copies of both the primary and revised Judgment.

16. When the Application for Review is rejected and the Appeal is from the Original Judgment and Decree, a copy of the order rejecting the application need not be presented with the Memo of Appeal. In such cases, the date on which the Application for Review was presented and the date on which it was rejected should be stated in the Memo of Appeal.

17. The time occupied in obtaining a copy of the Order rejecting an Application for Review will not be excluded in computing the peirod of limitation prescribed for an Appeal.

18. After an Appeal has been filed, every Application by an Appellant for leave to file a Memorandum of additional grounds of appeal shall be made by Petition, ten clear days before the day of hearing, and when granted, the Appellant shall not, without the leave of the Court for special cause, be heard in support of such ground or grounds, unless he shall have served a copy thereof on the Respondent or his Advocate eight clear days before.

19. The admission of an Appeal from the Decree or Order of a Civil Court, and the determination whether notice shall at once issue to the Respondent, or the Appeal be placed for orders before the Admission Judge for the time being, shall be deemed to be quasi-judicial acts, and shall be done by the Registrar of the Court, subject to the following directions :—

(*a*) All First Appeals and Appeals from Orders, as well as all Second Appeals alleging an apparently good or arguable ground, shall be admitted, if they were presented within the time limited by law, and the proper stamp has been furnished, and shall be set down for hearing after notice.

(*b*) If, in the opinion of the Registrar, there is no such ground alleged in the Appeal Memo as would justify his ordering notice to issue, he shall submit the record for the orders of the Admission Judge for the time being.

(*c*) Memoranda of objections filed under Section 561, or Section 567, of the Code of Civil Procedure, shall be admitted by the Registrar, if presented within the time allowed and the proper stamp has been paid.

(*d*) Applications for the admission of Appeals *in forma pauperis* and all other applications shall be placed before the Admission Judge for orders.

(*e*) The Registrar may, in his discretion, submit for orders, any particular Appeal or Memorandum of Objections to the Admission Judge.

20. When an issue is referred for trial and the finding of the Lower Court is returned, a notice will be affixed to the Notice Board of the Court house, and any Memo of Objections against such finding must be put in within a fortnight from the date on which the notice was affixed to the Notice Board.

21. No Appeal or application of a Civil nature will be received during the vacation, except in cases where it is sought to obtain an injunction or an attachment, or to stay proceedings.

22. Application for stay of execution must be separately engrossed on proper stamp and presented for orders. A prayer in that behalf embodied in the Appeal Memorandum will not be attended to.

DISPOSAL OF WORK.

1. The powers vested in the Chief Court may be exercised by one of the Judges of the said Court in the following cases:—

(1) Revision of calendars and proceedings of any Criminal Court submitted to the Chief Court under Rule of Practice No. 58, dated 1st September 1892.
(2) Applications for suspension of sentence or for release of accused on bail, pending disposal of appeal or application for revision.
(3) Proceedings and Reports submitted for orders under Sections 123 and 124 of the Criminal Procedure Code.
(4) Disposal of questions referred under Section 185 of the Criminal Procedure Code.
(5) Orders under Sections 427, 498, 526 and 526A of the Criminal Procedure Code.
(6) Power to call for records under Section 435 of the Criminal Procedure Code and Section 622 of the Civil Procedure Code.
(7) Orders under Section 505, Civil Procedure Code.
(8) Enquiry under Section 593, Civil Procedure Code.
(9) Applications for stay of execution of decrees, or for stay of further proceedings, pending disposal of Appeal, or Application for Revision.
(10) Admission of petitions and appeals, Civil or Criminal.
(11) Applications for transfers of cases from one court to another, under Section 25 of the Civil Procedure Code.
(12) Applications for enrolment as Pleaders.
(13) Orders under the Mysore Prisoners' Testimony Regulation.

Provided that no decree, order, sentence or decision of any Court, shall be reversed by any Judge of the Chief Court sitting alone.

Provided also that it shall be competent for the Judge, before whom any application may be posted for hearing, at any time before he shall have determined the same, to refer it for hearing and determination by a Bench of two Judges.

And provided also that, if an order is made *exparte* by a single Judge, it shall be competent for that Judge to revise and alter it, after hearing both parties.

And provided further that it shall always be competent for a Bench, consisting of two other Judges of the Chief Court, or for the Full Bench of the said Court, upon its own motion or upon the application of any party, to revise and alter any order which may be passed by a single Judge.

2. The powers vested in the Chief Court by Sections 13, 15, 18 and 19 of the Mysore Legal Practitioners' Regulation III of 1884 may be exercised by a Bench of two Judges of the said Court.

HEARING.

All cases set down in the Cause List for hearing before a Bench will, as far as practicable, be heard and disposed of the same day, and such of them as have to be adjourned at the end of the day for want of time, will be heard on the following day, unless the Court otherwise directs.

HOURS OF BUSINESS.

All Applications and Petitions of Appeal will be received in the Registrar's Office between the hours of 11 A. M. and 4 P. M. on all days of the week, except Sundays and close holidays.

PROCESS SERVICE FEES AND PRINTING CHARGES.

1. When an order has been made declaring an Appeal admitted, it shall be the duty of the Appellant or of his Advocate to deposit in the office, the court fees required for the service of the notices on the Respondents and the fees required for printing the proceedings in the Appeal within 7 days from the date of call by a notice affixed to the Notice Board.

2. The fees for the service of notices on the Respondents must be paid in the form of court-fee labels, and the court-fee labels must be attached to a memorandum (written on a half sheet of paper) setting out clearly the name (or names) and the residence of the Respondent (or Respondents).

3. The fees for printing the proceedings must be paid in cash.

4. When an Appellant or his Advocate has failed to pay into the office, within the prescribed period, the fees required for the service of notice on the Respondent or the fees required for the printing of the proceedings, the Appeal or Appeals shall be posted for the orders of the Court, and if, on their being so posted for the orders of the Court, the Appellant or his Advocate fails to satisfy the Court that there was just and reasonable excuse for omitting to pay the required fees in time, the Appeal or Appeals shall be struck off the file.

The rules relating to the printing of the record and the charges therefor are as follow:—

1. In all first Appeals, in which the value of the suit is above Rs. 300, the paper book shall contain the following documents or translations in English:—

(1) The Judgment and Decree of the Lower Court.
(2) Notes of evidence.
(3) The grounds of appeal.
(4) The grounds of objection (if any) taken by Respondent.

2. In all Second Appeals, in which the value of the suit is above Rs. 300, the paper book shall contain the following papers or translations of them, if they are not in English :—

(1) The judgment and decree of the Court of First Instance.
(2) The Judgment and Decree of the Lower Appellate Court.
(3) The grounds of Second Appeal.
(4) The grounds of objection (if any) made by Respondent.
(5) Notes of evidence (when the findings are not concurrent).

3. The Advocate of either party shall give a list to the Registrar, within 15 days after the arrival of the record, of such of the documents and depositions on which he intends to rely in support of his case. Such papers shall be printed in the book at the cost of the party applying for the same.

The time for the delivery of such list may be extended, on application, if the Court be satisfied that there is a reasonable ground for such application.

4. The Registrar shall cause the book to be printed, and the cost of printing shall be deposited by the Appellant.

5. Each of the parties shall be entitled to two copies.

6. The cost of printing shall be included as costs in the case.

7. Any party may have any number of extra copies, at cost price, provided he gives notice of the number required before the book is printed.

8. In all other cases, the record shall be printed only on the special application of either party and at his own expense, in which case, the cost of printing shall not be included in the table of costs appended to the decree.

RETURN OF DOCUMENTS.

All applications for the return of documents filed in any suit, appeal or proceeding, the records whereof are in the Chief Court, will be disposed of by the Registrar.

TRANSLATIONS.

1. The Appellant or his Advocate shall file, with the Memorandum of Appeal, a list of the documents, or the portions thereof, which he desires to have translated for the information of the Court at the time of the hearing of the Appeal.

2. A Respondent shall file a list of documents or portions thereof which he desires to be translated, within 15 days from the date on which the notice of appeal has been served on him.

3. The document which is relied on as a ground of appeal or of objection (Section 561, C. P. C.) should be translated.

4. All exhibits on which the decision of the Lower Court is based and all documents alleged to have been misconstrued will be translated as a matter of course.

5. Except as provided in rules 3 and 4 no party shall be entitled, without the permission of the Court, to have any document translated by a Court Translator.

VAKALATNAMAS.

1. No Advocate of the Court will be heard, unless he has produced before the hearing a *Vakalatnama authorizing him to appear and plead in the case.

2. Every Vakalatnama must be authenticated by some public functionary, except where the Advocate certifies that the Vakalat has been signed by his client in his presence and that the client is personally known to him.

3. Before a Vakalatnama is filed, the word "Accepted" should be noted and the endorsement signed by the Advocate.

4. Vakalats filed should state clearly the names and description (as in the record) of the parties on whose behalf the Advocates appear.

By the Court,
V. A. RAJARATNA MUDALIAR,
Registrar.

* The Government of Mysore has remitted the whole of the Court fee payable under article 10 Schedule II of the Court Fees Act VII of 1870 on Vakalatnamas presented by Barristers-at-law of any of the Inns of Court in England or Ireland, or any Member of the Faculty of Advocates in Scotland, duly enrolled as an Advocate of the Chief Court. (Government Notification No. 110, dated 15th August 1884.)

EDUCATION DEPARTMENT.

Notification D. No. 1, *dated Camp Holalkere, 5th July* 1897.

The Amildar of Tirumakudlu Narsipur taluk is appointed President of the Committee for the Management of the Girls' School at Talkad.

Notification D. No. 55, *dated 24th June* 1897.

The Departmental Kannada Reader No. 1 will take the place of Kathasaptati for use in Kannada Standard I of all Government and Municipal Schools from the 1st January 1898. Teachers wishing to bring Kannada Reader No. 1 into use before that date will be permitted to do so. The Reader is for sale at the Government Central Book Depôt, Bangalore, price 3 annas per copy.